Frent Attorney's Docket No. 704627-1214

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Prem S. PAUL et al.) Group Art Unit: 1648
Application No.: 10/618,779	Examiner: Myron G. Hill
Filed: July 15, 2003) Confirmation No.: 5988
For: POLYNUCLEIC ACIDS ISOLATED FROM A PORCINE REPRODUCTIVE AND RESPIRATORY SYNDROME VIRUS (PRRSV), AND PROTEINS ENCODED BY THE POLYNUCLEIC ACIDS)))))

COMMUNICATION REGARDING DEPOSIT AND REQUESTED INTERFERENCE E

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to Examiner Hill's request to the undersigned in a telephone call on February 15, 2007, Applicants hereby submit that Iowa strain viruses VR 2385 (ISU-12; plaque purified), VR 2386 (ISU-12, not plaque purified), VR 2428 (ISU-51), VR 2429 (ISU-22), VR 2430 (ISU-55), VR 2431 (ISU-3927), VR 2474 (ISU-79), VR 2475 (ISU-1894) and VR 2549 (ISU-28) have been deposited in accordance with the Budapest Treaty. Copies of deposit receipts are submitted herewith. Applicants further submit that these viruses will be irrevocably and without restriction released to the public upon issuance of a patent.

Applicants submit that the claims are now allowable, and respectfully request that the Examiner conduct an interference conference so that the Request for Interference submit by on February 10, 2006 may now be acted upon. Because an interference has been requested.

JAN~28-1994 16:39 FROM

TERINARY ADMINISTRATION TD

· - 817034662347



Culture Collection

12301 Parklawn Drive * Rockville, MID 20852 USA * Teksphones (201)231-5520 Teksp 593-085 ATCCNORTH * PAX: 301-710-251

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2
To: (Name and Address of Depositor or Attorney)

> Dr. Prem 5. Paul Veterinary Medical Research Institute Iowa State University 1802 Ewood Drive

Ames, IA E0011

Deposited on Behalf of: Iowa State University Research Foundation, Inc. (ISURF Ref #11592)

Identification Reference by Depositor:

ATCC Designation

Porcine Reproductive and Respiratory Syndrome Virus (PRRSV);

ISU-51 - SAH (Plaque Purified) VR 2428 ISU-22 - SAH (Plaque Purified) . VR 2429 ISU-55 - SAH (Plaque Purified) VR 2430 ISU-3927-SAH (Plaque Purified) VR 2431

The deposits were accompanied by: a scientific description __ a proposed taxonomic description in ill; ated

The deposits were received September 29, 1993 by this International Depository Authority and have seen accepted.

AT YOUR REQUEST:

We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's no retorior receive, or if a U.S. Patent is issued citing the strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your respondibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years after the date of deposit, and for a period of a k -ast five years after the most recent request for a sample. The United States and many other countries are sig at any to the Budapest Treaty.

The viability of the cultures cited above was tested January 7, 1994. On that date, the cultures were visitle.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person baving authority to represent ATCC:

Date: January 10, 1994 Bobble A. Brandon, Head, ATCC Patent Depository

Dr. J.P. Lavalleye



12301 Parkiawa Drive ◆ Rockville, MD 2085Z USA ◆ Telephone: (301)231-5520 Telex: 598-055 ATCCNORTH ◆ FAX: 301-770-26 ::

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Prem S. Paul Veterinary Medical Research Institute lowa State University 1802 Elwood Drive Ames, IA 50011

Deposited on Behalf of: lowa State University Foundation, Ind. (ISURF Ref #I-1592)

Identification Reference by Depositor:

ATCC Designation

Porcine Reproductive and Respiratory Syndrome Virus (PRRSV):

ISU-12-SAH (Plaque Purified)

VR 2385

VR 2386

ISU-12 (Not Plaque Purified)

The deposits were accompanied by: __ a scientific description __ a proposed taxonomic description indicated above.

The deposits were received October 30, 1992 by this International Depository Authority 31, have been accepted.

AT YOUR REQUEST:

We will inform you of requests for the strains for 30 years. <u>X</u>

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall 3: Your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States are many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested November 6, 1992. On that date, the :: itures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 2085.1 JSA

Signature of person having authority to represent ATCC:

Date: November 12, 1992

Bobbie A. Brandon, Head, ATCC Patent Depository

cc: Dr. J.P. Lavalleye



American Type Culture Collection

12301 Parklawn Drive * Rockville, MD 20852 USA * Telephone: (301)231-5520 Telex: 898-055 ATCCNORTH * FAX: 301-770 2 7

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Prem S. Paul
Veterinary Medical Research Institute
lowa State University
1802 Elwood Drive
Ames, IA 50011

Deposited on Behalf of: Iowa State University Research Foundation, Inc.

Identification Reference by Depositor:

ATCC Designation

Porcine Reproductive and Respiratory Syndrome Virus (PRRSV), ISU-79-SAH (Plaque Purified)

VR 2474

The deposit was accompanied by: __ a scientific description __ a proposed taxonomic : c :cription indicated above.

The deposit was received <u>August 31, 1994</u> by this International Depository Authority are: as been accepted.

AT YOUR REQUEST:

X We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies of 3's right to receive, or if a U.S. Patent is issued citing the strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and recent request for a sample. The United States and recent request for a sample.

The viability of the culture cited above was tested October 28, 1994. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 208 : USA

Signature of person having authority to represent ATCC:

Annexte L. Bade, Director, Patent Depository

PAGE 6/8 * RCVD AT 2/16/2007 2:41:50 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/19 * DNIS:2730901 * CSID:202 373 6001 * DURATION (mm-ss):01-30



American Type Culture Collection

12301 Parklawn Drive ♥ Rockville, MD 20852 USA ♥ Telephone: (301)231-5520 Telex: 898-055 ATCCNORTH ♥ FAX: 301-7 👢 187

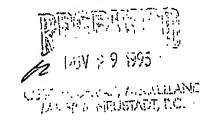
BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDUR.

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Iowa State University Attention: Prem S. Paul Veterinary Medical Research Institute 1802 Elwood Drive Ames, IA 50011



Deposited on Behalf of: Iowra State University Research Foundation, Inc. (ISURF Ref. # Intl. 32)

Identification Reference by Depositor:

ATCC Designation

Porcine Reproductive and Respiratory Syndrome Virus (PRRSV), ISU-1894-SAH(Plaque Purified)

VR 2475

The deposit was accompanied by: __ a scientific description _ a proposed taxonomic ill icription indicated above.

The deposit was received <u>August 31, 1994</u> by this International Depository Authority and as been accepted.

AT YOUR REQUEST:

X We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies are's right to receive, or if a U.S. Patent is issued citing the strain and ATCC is instructed by the Unit: 1 States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years after the date of deposit, and the period of at least five years after the most recent request for a sample. The United States and rathly other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested November 16, 1995. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 2055 USA

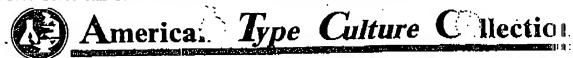
Signature of person having authority to represent ATCC:

Frank Simione, Acting Director, Patent Depository

Date: November 22 395

cc: Dr. J.P. Lavalleye

PAGE 7/8 * RCVD AT 2/16/2007 2:41:50 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/19 * DNIS:2730901 * CSID:202 373 6001 * DURATION (mm-ss):01-30



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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DIRECTIFIES UED TURSUANT TO RULE 7.3.
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

lowa State University Research Foundation Attn: Prem S. Paul Veterinary Medical Research Institute 1802 Elwood Drive Ames, Iowa 50011

Deposited on Behalf of: Iowa State University Research Foundation (Ref. #ISURF #I-1592)

Identification Reference by Depositor:

ATCC Designation

Porcine Reproductive and Respiratory Syndrome Virus ISU-28 (Plaque Purified)

VR-2549

The deposit was accompanied by: ___ a scientific description _a proposed taxonomic description above.

The deposit was received <u>December 11, 1996</u> by this International Depository Authority and has been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies time's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United it ites Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years efter the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested January 6, 1997. On that date, the cultimates viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 JSA

Signature of person having authority to represent ATCC:

Barbara M. Hailey, Administrator, Patent Depository

Date: January 7, 1997

çc: Di

Dr. J.P. Lavalleye